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EXAMINER

ANWAH, OLISA

ART UNIT

PAPER NUMBER

2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/747,823

Applicant(s)

ARNOFF ET AL.

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 2-26 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 is/are allowed.
- 6) ☒ Claim(s) 27-46 is/are rejected.
- 7) ☒ Claim(s) 27, 34 and 41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Objections

1. Claim 27 is objected to because the term "digital message" in line 8 lacks proper antecedent basis. Claims 34 and 41 have the same problem.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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3. Claims 27-30, 32-37, 39-44, 46 and 47 are rejected under 35 U.S.C. § 102(e) as being anticipated by Tobias et al, U.S. Patent No. 6,732,151 (hereinafter Tobias).

Regarding claim 27, Tobias discloses a method for storing messages in a plurality of communications modalities, comprising:

receiving (see a voice message that is associated with a particular user is retrieved from a voice mail system from abstract) a message in a first protocol;

generating a temporary mailbox (see unit 102 from Figure 1) for storing messages of a second protocol;

correlating (see By maintaining a mapping of voice mail boxes to email addresses, server 102 can identify the specific email address for sending an email message from column 3) a non-varying address associated with a message recipient with an Internet address associated with the message recipient;

converting (see The voice message is then encoded into a streaming media file from abstract) the message from the first protocol to the second protocol;

storing (see Once the streaming media file is created from column 3) the digital message in the temporary mailbox;

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sending (see automatically forwarded in an email message to one or more email addresses from abstract) the converted message to a storage component associated with the second protocol; and destroying the temporary mailbox.

Regarding claim 28, see column 3.

Regarding claim 29, see column 3.

Regarding claim 30, see column 3.

Regarding claim 32, see column 3.

Regarding claim 33, see Figure 1.

Regarding claim 34, Tobias discloses a system for storing messages in a plurality of communications modalities, comprising:

a message receiving component configured to receive (see a voice message that is associated with a particular user is retrieved from a voice mail system from abstract) a message in a first protocol;

a mailbox generating component configured to generate a temporary mailbox (see unit 102 from Figure 1) for storing messages of a second protocol;

an address correlating component configured to correlate (see By maintaining a mapping of voice mail boxes to email

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addresses, server 102 can identify the specific email address for sending an email message from column 3) a non-varying address associated with a message recipient with an Internet address associated with the message recipient;

a message converting component configured to convert (see The voice message is then encoded into a streaming media file from abstract) the message from the first protocol to the second protocol;

a message storing component configured to store (see Once the streaming media file is created from column 3) the digital message in the temporary mailbox;

a message sending component configured to send (see automatically forwarded in an email message to one or more email addresses from abstract) the converted message to a storage component associated with the second protocol; and

a mailbox destroying component configured to destroy the temporary mailbox.

Regarding claim 35, see column 3.

Regarding claim 36, see column 3.

Regarding claim 37, see column 3.

Regarding claim 39, see column 3.

Regarding claim 40, see Figure 1.

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Regarding claim 41, Tobias discloses a computer readable medium for storing messages in a plurality of communications modalities, comprising:

message receiving logic configured to receive (see a voice message that is associated with a particular user is retrieved from a voice mail system from abstract) a message in a first protocol;

mailbox generating logic configured to generate a temporary mailbox (see unit 102 from Figure 1) for storing messages of a second protocol;

address correlating logic configured to correlate (see By maintaining a mapping of voice mail boxes to email addresses, server 102 can identify the specific email address for sending an email message from column 3) a non-varying address associated with a message recipient with an Internet address associated with the message recipient;

message converting (see The voice message is then encoded into a streaming media file from abstract) logic configured to convert the message from the first protocol to the second protocol;

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message storing logic configured to store (see Once the streaming media file is created from column 3) the digital message in the temporary mailbox;

message sending logic configured to send (see automatically forwarded in an email message to one or more email addresses from abstract) the converted message to a storage component associated with the second protocol; and

mailbox destroying logic configured to destroy the temporary mailbox.

Regarding claim 42, see column 3.

Regarding claim 43, see column 3.

Regarding claim 44, see column 3.

Regarding claim 46, see column 3.

Regarding claim 47, see Figure 1.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the

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art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 31, 38 and 45 are rejected under 35 U.S.C § 103(a) as being unpatentable over Tobias in view of Cruickshank, U.S. Patent Application Publication No. 2002/0077082 (hereinafter Cruickshank).

As per claim 31, Tobias discloses the method of claim 27, wherein converting the message from the first protocol to the second protocol includes converting the message into a Messaging format (see column 3). Still on the issue of claim 31, Tobias does not clearly explain that the Messaging format is an Instant Messaging format. All the same, Cruickshank discloses this feature (see paragraph 0029). Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tobias with the Instant Messaging format of Cruickshank. This modification would have improved the convenience of Tobias by reducing the hassle of having to call into the message center as suggested by Tobias.

Claim 38 is rejected for the same reasons as claim 31.

Claim 47 is rejected for the same reasons as claim 38.

Response to Arguments

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6. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

Allowable Subject Matter

7. Claim 1 is allowed.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

O.A.

Olisa Anwah
Patent Examiner
December 27, 2006



FAN TSANG
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